

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

WILLIE JACOBS, ET AL.

CIVIL ACTION NO. 04-2492

VERSUS

JUDGE S. MAURICE HICKS, JR.

CITY OF SHREVEPORT, ET AL.

MAGISTRATE JUDGE HAYES

ORDER

After evaluating the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed therein, thoroughly reviewing the record, including the written objections filed, and noting the Rule 12(b)(6) standard, as contrasted with the Rule 56 standard, requiring that the plaintiffs' complaint be liberally construed in favor of the plaintiffs and that all facts pleaded in the complaint must be taken as true, the Court concurs with the findings of the Magistrate Judge under the applicable law. Accordingly;

IT IS ORDERED that the **Motion to Dismiss (Rec. Doc. #6)** be **GRANTED IN PART** as follows:

- a. All claims asserted by Betty Jackson be dismissed with prejudice;
- b. All claims for loss of familial association be dismissed with prejudice;
- c. All claims under 42 U.S.C. § 1985 be dismissed with prejudice;
- d. All claims for conspiracy under 42 U.S.C. § 1983 be dismissed with prejudice;
- e. All claims against Mayor Keith Hightower, Kenneth Antee, and Tom Cody be dismissed with prejudice; and
- f. All claims against Sheriff Steve Prator be dismissed **without** prejudice.

IT IS FURTHER ORDERED that the **Motion to Dismiss (Rec. Doc. #6)** be **DENIED**
IN ALL OTHER RESPECTS.

The remaining plaintiffs are the surviving spouse and (represented by their mothers) two minor children of Mr. Jacobs. The remaining claims are the Section 1983 claims for violation of the Equal Protection Clause, Section 1983 claims for the Fourth Amendment excessive force, and state law survival and wrongful death actions. The remaining defendants are Officer Persons, Chief Campbell, and the City of Shreveport.

THUS DONE AND SIGNED at Shreveport, Louisiana, this 13th day of December, 2005.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE